

1 The Honorable Robert Lasnik
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8 **IN THE UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE**

11 YASIN HUFUNE, an individual, and
12 SAMATAR ABDI, an individual,

13 Plaintiffs,

14 v.

15 BAGS, INC., a foreign corporation,

16 Defendants.

17 Case No. 2:16-cv-265 RSL

18 **ORDER GRANTING PLAINTIFF'S
19 MOTION FOR AWARD OF
20 ATTORNEY'S FEES AND
21 EXPENSES**

22 WHEREAS, Plaintiffs' have submitted authority and evidence supporting their Motion
23 for Award of Attorney's Fees and Expenses; and

24 WHEREAS, the Court, having considered the pleadings on file and being fully advised,
25 finds that good cause exists for entry of the Order below; now, therefore,

26 **IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT:**

27 1. Unless otherwise provided herein, all capitalized terms in this Order shall have
28 the same meaning as set forth in the Plaintiff's Motion for Attorney's Fees and Expenses.

1 2. The Court having appointed Badgley Mullins Turner, PLLC and the Law Offices
2 of Daniel Whitmore as Class Counsel.

3 3. Class Counsel has requested the Court calculate their award using the
4 percentage-of-the-fund method. Class Counsel request the Court award 3.6% of the common
5 fund as attorney's fees and expenses (\$91,858.14.)

6 4. These requested attorney's fees are fair and reasonable under RCW 49.48.030
7 and the Ordinance ("SeaTac Municipal Code Chapter 7.45") based on the percentage-of-the-
8 fund method. The Court reaches this conclusion after analyzing: (1) the results Class Counsel
9 achieved; (2) Class Counsel's risk in this litigation; (3) the complexity of the issues presented;
10 (4) the hours Class Counsel worked on the case; (5) Class Counsel's hourly rate; (6) the
11 contingent nature of the fee; and (7) awards made in similar cases.

13 5. Class Counsel has submitted authority and declarations to support the Court's
14 lodestar cross-check.

15 6. Class Counsel reasonably expended more than sixty-seven hours on the
16 investigation, preparation, filing, mediation, and settlement of Plaintiff's Claims. Their detailed
17 time records are based on contemporaneous records of hours worked. Class Counsel exercised
18 billing judgment and billed efficiently.

20 7. Class Counsel's hourly rates - \$565.00 for Duncan Turner, \$495.00 for Daniel
21 Whitmore, and \$310.00 for Mark Trivett – are reasonable hourly rates considering their
22 individual "experience, skill, and reputation," *see Trevino v. Gates*, 99 F.3d 911, 924 (9th Cir.
23 1996) and the prevailing market rates in this District. *See Blum v. Stenson*, 465 U.S. 886, 895
24 (1984).

1 8. Applying these rates to the number of hours reasonable expended in litigation,
 2 Class Counsel's lodestar is approximately \$45,975.08. This lodestar reflects work and expenses
 3 that was reasonable and necessarily expended on the pursuing Plaintiffs' claims and that are
 4 estimated to occur in concluding the case. Plaintiffs' percentage-of-the-fund request represents a
 5 lodestar multiplier of 2.0.

6 9. Based on the risk Class Counsel faced in litigating the certified questions and the
 7 quality of the work they performed, this Court finds a lodestar multiplier of approximately 2.0 is
 8 fair and reasonable.

9 10. A lodestar multiplier is appropriate in this case based on the risk factor. See
 10 *Carlson v. Lake Chelan Cnty. Hosp.*, 116 Wn. App. 718, 742-43, 75 P.3d 533 (2003) (affirming
 11 application of 1.5 multiplier to lodestar); *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1052-54
 12 (9th Cir. 2002) (approving multiplier of 3.65); *Steiner v. Am. Broad. Co.*, 248 Fed. Appx. 780,
 13 783 (9th Cir. 2007) (approving multiplier of 6.85), *Craft v. Cnty. of San Bernardino*, 624 F.
 14 Supp. 2d 1113, 1125 (C.D. Cal. 2008) (approving multiplier of 5.2 and stating "there is ample
 15 authority for such awards resulting in multipliers in this range or higher." Here, Plaintiffs
 16 pursued the action under a remedial Washington employment statute and a local minimum wage
 17 ordinance. Class Counsel pursued this action on a contingency fee basis and assumed the risk
 18 that if they were unsuccessful, they would receive no compensation for their work on the
 19 certified questions or settlement negotiations. This action was one of the first to seek recovery
 20 of wages owed under the Ordinance, and thus, the potential existed for a long and protracted
 21 litigation as the Court addressed novel legal issues.

22 11. In addition, a lodestar multiplier is appropriate based on the quality of work
 23 performed by Class Counsel. Class Counsel performed high-quality work, resulting in an
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1 extremely favorable collective settlement for Class Members. Class Members recovered the
2 entirety of their owed wages arising under the Ordinance with interest. This is an excellent
3 result for the Class.

4 12. Defendant agreed to pay \$300,000 to the Class Members, inclusive of any
5 attorney's fees and costs. This is in addition to the \$2,251,615.00 previously paid as result of
6 Plaintiffs filing this action. The litigation expenses and settlement notice and administration fees
7 and costs incurred by Class Counsel were reasonable, necessary, and appropriately documented
8 in the declarations filed by Class Counsel.

9 13. This Court also awards \$1,000.00 to each Plaintiff as an incentive award.

10 14. Based on the foregoing findings and analysis, the Court awards Class Counsel
11 \$91,858.14 in attorney's fees.

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14 IT IS SO ORDERED

15 Dated this 2nd day of March, 2017.

17 Robert S. Lasnik

18 Robert S. Lasnik
19 United States District Judge